

HB 313

2005
CS

CHAMBER ACTION

1 The Utilities & Telecommunications Committee recommends the
2 following:

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4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the Lifeline telecommunications
8 service; amending s. 364.10, F.S.; directing a local
9 exchange telecommunications company to offer a consumer
10 who applies for or receives Lifeline service the option of
11 blocking toll calls; prohibiting a local exchange
12 telecommunications company from discontinuing local
13 service to a consumer receiving Lifeline service for
14 nonpayment of other telephone services; directing the
15 Public Service Commission to adopt rules to administer the
16 prohibition; authorizing a local exchange
17 telecommunications company to block specified long-
18 distance services when a customer owes an outstanding
19 account for those services; revising time for agencies to
20 develop procedures to promote Lifeline participation;
21 providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

Page 1 of 4

HB 313

2005
CS

24
25 Section 1. Section 364.10, Florida Statutes, is amended to
26 read:

27 364.10 Undue advantage to person or locality prohibited;
28 Lifeline service.--

29 (1) A telecommunications company may not make or give any
30 undue or unreasonable preference or advantage to any person or
31 locality or subject any particular person or locality to any
32 undue or unreasonable prejudice or disadvantage in any respect
33 whatsoever.

34 (2)(a) The prohibitions of subsection (1) notwithstanding,
35 a telecommunications company serving as carrier of last resort
36 shall provide a Lifeline Assistance Plan to qualified
37 residential subscribers, as defined in a commission-approved
38 tariff and a preferential rate to eligible facilities as
39 provided for in part II.

40 (b) A local exchange telecommunications company shall
41 offer a consumer who applies for or receives Lifeline service
42 the option of blocking all toll calls or, if technically
43 capable, placing a limit on the amount of toll calls a consumer
44 can make. The local exchange telecommunications company may not
45 charge the consumer an administrative charge or other additional
46 fee for blocking the service.

47 (3)(a) Effective September 1, 2003, any local exchange
48 telecommunications company authorized by the commission to
49 reduce its switched network access rate under ~~pursuant to~~ s.
50 364.164 shall have tariffed and shall provide Lifeline service
51 to any otherwise eligible customer or potential customer who

HB 313

2005
CS

52 | meets an income eligibility test at 125 percent or less of the
53 | federal poverty income guidelines for Lifeline customers. The
54 | ~~Such~~ a test for eligibility must augment, rather than replace,
55 | the eligibility standards established by federal law and based
56 | on participation in certain low-income assistance programs. Each
57 | intrastate interexchange telecommunications company shall,
58 | effective September 1, 2003, file a tariff providing at a
59 | minimum the intrastate interexchange telecommunications
60 | carrier's current Lifeline benefits and exemptions to Lifeline
61 | customers who meet the income eligibility test set forth in this
62 | subsection. The Office of Public Counsel shall certify and
63 | maintain claims submitted by a customer for eligibility under
64 | the income test authorized by this subsection.

65 | (b) Each local exchange telecommunications company subject
66 | to this subsection shall provide to each state and federal
67 | agency providing benefits to persons eligible for Lifeline
68 | service applications, brochures, pamphlets, or other materials
69 | that inform the ~~such~~ persons of their eligibility for Lifeline,
70 | and each state agency providing the ~~such~~ benefits shall furnish
71 | the materials to affected persons at the time they apply for
72 | benefits.

73 | (c)1. Any local exchange telecommunications company
74 | customer receiving Lifeline benefits shall not be subject to any
75 | residential basic local telecommunications service rate
76 | increases authorized by s. 364.164 until the local exchange
77 | telecommunications company reaches parity as defined in s.
78 | 364.164(5) or until the customer no longer qualifies for the
79 | Lifeline benefits established by this section or s. 364.105, or

HB 313

2005
CS

unless otherwise determined by the commission upon petition by a local exchange telecommunications company.

2. A local exchange telecommunications company may not discontinue basic local exchange telephone service to a consumer who receives Lifeline service because of nonpayment by the consumer of charges for other services billed by the telecommunications company, including long-distance service. The commission shall adopt rules to administer this subparagraph.

3. A local exchange telecommunications company may block a Lifeline service participant's access to all long-distance service except toll-free numbers when the participant owes an outstanding amount for long-distance service. The local exchange telecommunications company shall remove the block without additional cost to the participant on payment of the outstanding amount.

(d) By December 31, 2005 ~~2003~~, each state agency providing ~~that provides~~ benefits to persons eligible for Lifeline service shall undertake, in cooperation with the Department of Children and Family Services, the commission, the Office of Public Counsel, and telecommunications companies providing Lifeline services, the development of procedures to promote Lifeline participation.

(e) The commission shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31 each year on the number of customers who are subscribing to Lifeline service and the effectiveness of any procedures to promote participation.

Section 2. This act shall take effect July 1, 2005.